

WASHINGTON COUNTY COMMISSION
MEETING MINUTES
FEBRUARY 15, 2011

The Regular Meeting of the Board of the Washington County Commission was called to order by Chairman Dennis Drake at 4:00 p.m. on February 15, 2011, in the Commission Chambers, Washington County Administration Building, St. George, Utah. Those in attendance were Commission Chairman Dennis Drake, Commissioner James J. Eardley, Commissioner Alan D. Gardner, Washington County Administrator Dean J. Cox, Deputy County Attorney David L. Patterson, and Deputy County Clerk Christine Hall.

The Spectrum was represented by Brian Ahern at the meeting.

Commissioner Eardley led the Pledge of Allegiance.

AGENDA

CONSENT AGENDA:

The Consent Agenda is a means of expediting routine matters which come before the Commission for approval. The Consent Portion of the agenda is approved by one (1) non-debatable motion. If any Commissioner wishes to remove an item from the Consent Portion of the agenda, then that item becomes the first order of business on the regular agenda.

- Consideration of Auditor Approved Claims for Payment for February 2, 2011, through February 15, 2011
- Consideration of Regular Commission Meeting Minutes of January 18, 2011
- Consideration of Applications for Settlement or Deferral of Property Taxes ANB Venture, Various Account Numbers; and Keith Stout, Account No. 381957
- Consideration of Applications for Property Tax Abatement
Jerry & El'Vea Border, Serial No. SG-RW-1-4B; Gary Buck, Serial No. SG-ME-2-7; John Debenham, Serial No. SG-WSD-2; Susan Mules, Serial No. SG-PDES-8-120; and Robert Pritchett, Serial No. SG-VIN-4-203
- Consideration of Administrative Adjustments / Personal Property (attached)
- Consideration of Administrative Adjustments: Real Property (attached)
- Consideration of Appointments/Re-Appointments to the Habitat Conservation Technical Committee: Renee Chi, Tim Croissant, Kristen Comella, and Cameron Rognan

Actions of the Washington County Planning Commission Meeting / 02/08/11

Conditional Use Permit Extension: Review extension to operate a gravel crusher within the OST-20 Zone, Section 16, T42S, SLBM, generally located 1/4 mile east of the Washington County landfill. Dee Atkins, landowner/Western Rock Products, applicant.

This item was tabled at the previous Planning Commission meeting due to a lack of representation. This is a third (3rd) extension, with mining and mineral development being conditionally approved within the OST-20 zone. As reviewed previously, this is an area east of the County Landfill. Sanitation and water needs for dust control have been addressed. This area is to be leased by Western Rock and their initial crushing operation is within an M-1 zone, which is less than one mile to the south of this location. The commission addressed operating hours, number of haul trucks, and provisions for reclamation of mining and mineral development. The applicant is in contact with MSHA and EPA on portable crushing and screening equipment that will be reviewed and monitored when it is in place. The commission will need to have that documentation on file. All trucks should be required to be covered with a tarp as per UDOT regulations. *Planning Commission voted unanimously for approval of the Conditional Use Permit Extension for a period of one (1) year.*

Conditional Use Permit Extension: Review extension on a Lake to Lake Team Relay from Gunlock Reservoir to Sand Hollow Reservoir, March 5, 2011, sponsored by City of St. George Recreation. St. George City/Aaron Metler, applicant.

This is the second (2nd) extension for the “Lake to Lake Team Relay” event scheduled for March 5, 2011. St. George City is the host community for this event, with some of the route being in Washington County, beyond the city limits. This is a one-day event that will impact the travel on the Gunlock Rd. and Hwy 91 between 8 a.m. and 10 a.m. As previously reviewed, they have capped the race at 150 teams and only one runner at a time, although each team may consist of five (5) members. The Sheriff’s Office worked with the City on a joint safety plan and they will provide law enforcement services at the race. Again, these types of uses are conditionally approved to make the commission and the public aware of activities and locations.

Aaron Metler gave a handout review sheet to each commissioner stating that Utah Barricade will do their signage and place panel cones along Old Hwy 91 and the County Sheriff’s Office agreed to patrol for traffic control. There is ample parking on wide shoulders on the right side of Old Hwy 91. They will put the signs out on Thursday, instead of the day before. They will increase the number of port-a-potties at the start and have four (4) at each exchange. They will enforce a 2 hour time penalty on those who don’t use port-a-potties and have a 1 hour trash penalty. All participants should be off Old Hwy 91 by 10:15 am. There will be 2 Gold Cross ambulances on call. *Planning Commission voted unanimously for approval for a period of one (1) year.*

Conditional Use Permit Extension: Review extension for a charity event for New Harmony Fire Mud Run to be held on June 4, 2011; races include a 10k, 5k,

or 1k youth, located at the Old Highway 91 bridge in Kolob Mountain Ranches Subdivision. Andrew Osborn, agent.

This is an automatic annual review. Previously, the agent submitted a packet for the New Harmony Fire Mud Run in 2010. The event will start and finish on the Old Hwy 91 Bridge at the Kolob Mountain Ranch Subdivision. The “mud run” will be a series of races designed to challenge the individual or teams to race using military style obstacles. This would include the scaling of walls, culvert pipe crawls, hay bale barricades, and mud pits. These types of events are reviewed conditionally at a public meeting to ensure that citizens have the opportunity to comment on the application (County Code 10-18-2 (amended 2008)). Their Proposal and Plan Outline addresses an emergency service plan, parking, transport, and road closure, which will need to be reviewed by the Public Works Department. The plan also addresses refuse and port-a-potties. The applicant has been asked to contact the Sheriff’s Office for review of services, and once the race leaves the pavement, there may be approximately 1 mile of BLM. Staff has asked the agent to review application with these other agencies. The agent will need an updated liability insurance policy listing Washington County as a beneficiary.

Mr. Osborn, member of the New Harmony Fire Department, said there were 202 runners in 2010, which usually means the count will double to 400 or 500 runners the following year. The Ash Creek area east of the bridge is where the mud pits and obstacle course is located, instead of at the reservoir. The participants are asking for more obstacles and mud. There are more females registered than males. The charge is \$50 for adults, \$35 for teenagers and \$15 for children, with a reduced fee for policemen, firemen and the military. They have obtained letters from UDOT, BLM and the Sheriff’s Office and an update on liability insurance. *Planning Commission voted unanimously for approval of the Conditional Use Permit Extension, for the period of one (1) year.*

MOTION: Motion by Commissioner Eardley to Approve the Consent Agenda, as presented. Motion seconded by Commissioner Gardner and carried by unanimous vote, with Commissioners Drake, Eardley, and Gardner voting aye.

REGULAR AGENDA ITEMS FOR CONSIDERATION:

EMERGENCY SERVICES REPORT / CORY PULSIPHER

Washington County Sheriff Cory Pulsipher reported three (3) call-outs for the Search and Rescue volunteers since his last report:

- A medical assist on the Bear Poppy bike trail on 1/22/11
- An individual ledged up on the Frog Hollow climbing area on 1/23/11
- Lost hikers in the Red Cliffs campground area on 2/13/11

Thirty-nine (39) Search and Rescue members responded, with a total of one hundred and five and one quarter (105.25) hours donated.

PURCHASE REQUESTS/ MARK BLANCH:

Sheriff's Office, video equipment for patrol vehicles \$ 10,380.00

All purchases are budgeted, bonded, or paid for through grant funds.

MOTION: Motion by Commissioner Gardner to Approve the Above Purchase Request. Motion seconded by Commissioner Eardley and carried by unanimous vote, with Commissioners Drake, Eardley, and Gardner voting aye.

CONSIDERATION OF CONFIRMATION OF PETER KUHLMANN AS WASHINGTON COUNTY FIRE CHIEF

Washington County Administrator Dean Cox said that the County has a fire department which is used to secure grants used in training all of the fire chiefs. The Fire Chief also coordinates and is the liaison to the State and County Fire Warden. The appointment of the Emergency Services Director as Fire Chief entails signature authority on loan and grant applications and overseeing the expenditures of County line items for fire-related budget issues. Now that Mr. Kuhlmann has been appointed as Emergency Services Director, it is appropriate that he be appointed Fire Chief, as well.

MOTION: Motion by Commissioner Gardner to Confirm Peter Kuhlmann as Washington County Fire Chief. Motion seconded by Commissioner Eardley and carried by unanimous vote, with Commissioners Drake, Eardley, and Gardner voting aye.

CONSIDERATION OF APPROVAL OF SALE OF PROPERTY: ACCOUNT NO. 120009, SERIAL NUMBER W-231-A-1, WASHINGTON DAM ROAD, TO JOSEPH CLAY LISTER, IN THE AMOUNT OF \$1,500.00

Clerk-Auditor Kim M. Hafen explained that this was a piece of property that the County had acquired ownership of previously in a tax sale. It was an isolated parcel consisting of .11 acres with three (3) adjacent property owners, to whom the County sent letters of intent to sell the parcel. Only Mr. Lister submitted a bid, in the amount of one thousand five hundred dollars (\$1,500.00), which was the minimum established by the County.

MOTION: Motion by Commissioner Gardner to Approve the Sale Of Property: Account No. 120009, Serial Number W-231-A-1, Washington Dam Road, To Joseph Clay Lister, In The Amount Of \$1,500.00. Motion

seconded by Commissioner Eardley and carried by unanimous vote, with Commissioners Drake, Eardley, and Gardner voting aye.

PRESENTATION: SNOW CANYON STATE PARK / KRISTEN COMELLA

Kristen Comella, representing Snow Canyon State Park, narrated a PowerPoint presentation highlighting the educational opportunities and programs sponsored by the Park:

- On-site school programs
- General public programs
- L.E.A.P. into nature (Learning and Equal Access Programs)
- Special request programs
- Visitor exhibits and self-guided opportunities

In 2010, over three thousand (3,000) students visited the Park, primarily from kindergarten through fifth (5th) grades. The Park tailors its programs to the Utah State educational curriculum. In the ten (10) years that these programs have been conducted, the Park has served over twenty-seven thousand (27,000) students, primarily from Washington County. During 2010, there were over three hundred thousand (300,000) visitors to the Park.

A copy of Ms. Comella's presentation is available through the office of the Washington County Commission.

PUBLIC HEARING ON NOTICE OF INTENTION TO ESTABLISH THE SOUTHERN UTAH SHOOTING SPORTS PARK SPECIAL SERVICE DISTRICT

Chairman Drake opened the Public Hearing to receive input concerning the intention to establish the Southern Utah Shooting Sports Park Special Service District (SSD). Washington County Deputy Attorney David L. Patterson said that the County has taken an active role in helping to preserve the Southern Utah Shooting Sports Park and has decided that it would be best governed by a special service district administrative control board. Accordingly, the process began six (6) to eight (8) weeks ago, with a Notice of Intention to Establish the Southern Utah Shooting Sports Park (SUSSP) Special Service District. The County is now in the public hearing phase of that process, which starts the clock on a thirty (30) day public protest period.

Commissioner Gardner clarified that no fees will be added to property taxes for this SSD. The Shooting Sports Park will continue to be fully funded by user fees.

Having no one come forward, Chairman Drake closed the public hearing.

CONSIDERATION OF ORDINANCE NO. 2011-1005-O, AN ORDINANCE AMENDING AND SUPERSEDING TITLE 10, CHAPTER 23: WATER SOURCE PROTECTION AREAS, SECTIONS 10-23-2.B (PURPOSE) AND ADDING 10-23-11 TO THE WASHINGTON COUNTY CODE (ADDING ENFORCEMENT PROVISION)

Washington County Planner Deon Goheen said that the State Environmental Program Manager sent relevant statute that the legislature wants to be included in the water source protection chapter of the zoning ordinance and requires the commission to adopt this by referencing the state code instead of adding the entire text from the codes. The Planning Commission voted unanimously to recommend approval of this amendment to Chapter 23 with the following findings:

- This amendment updates current Chapter 23 of the existing ordinance complying with mandate from the State
- Complies with the County Code in regards to wireless communication

MOTION: Motion by Commissioner Gardner to Adopt Ordinance No. 2011-1005-O, An Ordinance Amending And Superseding Title 10, Chapter 23: Water Source Protection Areas, Sections 10-23-2.B (Purpose) And Adding 10-23-11 To The Washington County Code (Adding Enforcement Provision). Motion seconded by Commissioner Eardley and carried by unanimous vote, with Commissioners Drake, Eardley, and Gardner voting aye.

CONSIDERATION OF ORDINANCE NO. 2011-1006-O, AN ORDINANCE AMENDING AND SUPERSEDING TITLE 10, CHAPTER 8, ARTICLE B, SFR SEASONAL FOREST RESIDENTIAL ZONE

Ms. Goheen said that several changes have been made to the text, all of which were reviewed at Planning Commission. This is an amendment that Staff has looked at several times and would like to have implemented. The Planning Commission voted unanimously to recommend approval of these text changes, with the following findings:

- Update existing ordinance
- A public hearing was held and there were no objections
- Codifying existing use for commercial lodging
- Notify user that any dumping is not allowed following State and Federal regulations

Mr. Patterson said that the Planning Staff and Planning Commission have both done exemplary work in fine-tuning the County's zoning regulations and ordinances.

MOTION: Motion by Commissioner Eardley to Adopt Ordinance No. 2011-1006-O, An Ordinance Amending And Superseding Title 10, Chapter 8, Article B, SFR Seasonal Forest Residential Zone. Motion seconded by Commissioner Gardner and carried by unanimous vote, with Commissioners Drake, Eardley, and Gardner voting aye.

CONSIDERATION OF RESOLUTION NO. R-2011-1533, A RESOLUTION TO ADOPT THE RED HILLS DESERT GARDEN AGREEMENT BETWEEN THE WASHINGTON COUNTY WATER CONSERVANCY DISTRICT, THE CITY OF ST. GEORGE, AND WASHINGTON COUNTY

Habitat Conservation Plan (HCP) Administrator Bob Sandberg said that the Red Hills Desert Garden is a concept that includes a fish stream which will showcase Virgin River fish species, a desert garden that reflects local vegetation, a water feature, and a habitat for tortoises, where citizens can become familiar with the various species in their environment. This agreement does not permit expenditure of money, but merely expertise insofar as putting in trails. In the future a Visitors' Center and Education Center may be built, representing an addendum to this agreement. The funding is mostly coming from the Water Conservancy District, with the City of St. George providing the property on which the Garden will be built.

MOTION: Motion by Commissioner Gardner to Adopt Resolution No. R-2011-1533, A Resolution To Adopt The Red Hills Desert Garden Agreement Between The Washington County Water Conservancy District, The City Of St. George, And Washington County. Motion seconded by Commissioner Eardley and carried by unanimous vote, with Commissioners Drake, Eardley, and Gardner voting aye.

CONSIDERATION OF RESOLUTION NO. R-2011-1534, A RESOLUTION TO ADOPT THE NETWORK EXTENSION BUILD AND SERVICE AGREEMENT BETWEEN INTERLINX COMMUNICATIONS, LLC, AND WASHINGTON COUNTY

Mr. Cox said that currently the Courthouse Plaza building receives its internet connection from InterLinx at a cost of two hundred dollars (\$200) per month, which is an excellent price. This agreement would install a new fiber optic line through the new Justice Center at a cost of five thousand eight hundred dollars (\$5,800) to continue the service.

MOTION: Motion by Commissioner Eardley to Adopt Resolution No. R-2011-1534, A Resolution To Adopt The Network Extension Build And Service Agreement Between InterLinx Communications, LLC, And Washington County. Motion seconded by Commissioner Gardner

and carried by unanimous vote, with Commissioners Drake, Eardley, and Gardner voting aye.

CONSIDERATION OF RESOLUTION NO. R-2011-1535, A RESOLUTION TO ADOPT COOPERATIVE AGREEMENT 68-8D43-11-08 BETWEEN THE UNITED STATES DEPARTMENT OF AGRICULTURE, NATURAL RESOURCES CONSERVATION SERVICE (NRCS) AND WASHINGTON COUNTY

Chairman Drake said that this is the County's agreement with NRCS to continue the flood reparations from damages sustained in the flood of December 2010. Commissioner Eardley praised the NRCS for being dependable and easy to work with, and for its good work in the aftermath of the 2005 flood, shoring up stream banks, etc. The NRCS spent more than sixty million dollars (\$60,000,000) for the 2005 flood.

MOTION: Motion by Commissioner Eardley to Adopt Resolution No. R-2011-1535, A Resolution To Adopt Cooperative Agreement 68-8D43-11-08 Between The United States Department Of Agriculture, Natural Resources Conservation Service (NRCS) And Washington County. Motion seconded by Commissioner Gardner and carried by unanimous vote, with Commissioners Drake, Eardley, and Gardner voting aye.

CONSIDERATION OF RESOLUTION NO. R-2011-1536, A RESOLUTION AMENDING AND SUPERSEDING RESOLUTION R-2011-1527 ASSERTING COORDINATOR AUTHORITY TO REQUEST THAT THE FEDERAL LAND MANAGEMENT AGENCIES COORDINATE WITH WASHINGTON COUNTY IN LAND USE INVENTORY, PLANNING, AND MANAGEMENT EFFORTS

Commissioner Gardner explained that the designation of Washington County as a coordinator strengthens the County's position in negotiating with other federal land-management agencies in land-use inventory, planning, and management efforts.

MOTION: Motion by Commissioner Gardner to Adopt Resolution No. R-2011-1536, A Resolution Amending And Superseding Resolution R-2011-1527 Asserting Coordinator Authority To Request That The Federal Land Management Agencies Coordinate With Washington County In Land-Use Inventory, Planning, And Management Efforts. Motion seconded by Commissioner Eardley and carried by unanimous vote, with Commissioners Drake, Eardley, and Gardner voting aye.

CONSIDERATION OF RESOLUTION NO. R-2011-1537, A RESOLUTION TO ADOPT AND APPROVE THE WASHINGTON COUNTY EWP #1 EXIGENCY

PROTECTION UPPER VIRGIN AGREEMENT TO RELIEVE HAZARDS AND DAMAGES CREATED BY THE FLOOD IN ROCKVILLE

Mr. Patterson said that this job was put out to bid, and ten (10) companies submitted bids for this work. Sunroc Corporation was the lowest bidder, and a contract has been entered into with Sunroc for this project.

MOTION: Motion by Commissioner Eardley to Adopt Resolution No. R-2011-1537, A Resolution To Adopt And Approve The Washington County EWP #1 Exigency Protection Upper Virgin Agreement To Relieve Hazards And Damages Created By The Flood In Rockville. Motion seconded by Commissioner Gardner and carried by unanimous vote, with Commissioners Drake, Eardley, and Gardner voting aye.

CONSIDERATION OF RESOLUTION NO. R-2011-1538, A RESOLUTION TO ADOPT AND APPROVE AN AGREEMENT BETWEEN THE TOWN OF ROCKVILLE AND WASHINGTON COUNTY REQUIRING THE TOWN OF ROCKVILLE TO SUPPORT AND INDEMNIFY WASHINGTON COUNTY WITH REGARD TO EMERGENCY WATERSHED PROTECTION MEASURES BEING PERFORMED BY WASHINGTON COUNTY TO RELIEVE HAZARDS AND DAMAGES CREATED BY THE FLOOD OF DECEMBER 2010 PURSUANT TO WASHINGTON COUNTY'S COOPERATIVE AGREEMENT WITH THE NRCS

The Cooperative Agreement with the NRCS requires that there be a sponsor, which in this case is the County. The County, then, is indemnified by virtue of this agreement with the Town of Rockville, where the work is being done.

MOTION: Motion by Commissioner Gardner to Adopt Resolution No. R-2011-1538, A Resolution To Adopt And Approve An Agreement Between The Town Of Rockville And Washington County Requiring The Town Of Rockville To Support And Indemnify Washington County With Regard To Emergency Watershed Protection Measures Being Performed By Washington County To Relieve Hazards And Damages Created By The Flood Of December 2010 Pursuant To Washington County's Cooperative Agreement With The NRCS. Motion seconded by Commissioner Eardley and carried by unanimous vote, with Commissioners Drake, Eardley, and Gardner voting aye.

COMMISSIONERS' REPORT

No items were presented today.

PUBLIC WORKS OR ROAD BUSINESS

No items were presented today.

COUNTY DEVELOPMENT AND PLANNING BUSINESS

Mr. Cox reported that the County will be building a gate between the new Justice Center and the Courthouse to which it is adjacent. The gate will permit expedient egress and ingress by both County Attorneys and by the attorneys working in the Attorney General's Office, which will be leasing space in our building. Since that fence is on court property, it is necessary to obtain an agreement with the Fifth District Court to utilize that fence and gate. The only cost will be the construction of the gate itself. Mr. Cox recommended the Commission approve the agreement so that the concrete may be poured while the contractors are still on site.

MOTION: Motion by Commissioner Eardley to Approve the Agreement between the Washington County Justice Center and the Fifth District Court for the construction of a gate between the two properties, located at _____. Motion seconded by Commissioner Gardner and carried by unanimous vote, with Commissioners Drake, Eardley, and Gardner voting aye.

Mr. Cox further stated that a new Juvenile Court Justice has been appointed by the Court, necessitating the appointment of an additional juvenile public defender to handle the resulting increased caseload. Appropriate advertisements for this position were published, and interviews conducted by Mr. Patterson and Douglas D. Terry, the Lead Public Defender for Washington County, with the most qualified applicants. Because of the backlog of cases in the court, it is imperative that this vacancy be filled as quickly as possible. Therefore, he recommends Commission approval of Travis R. Marker, with an effective date of his contract of February 16, 2011.

MOTION: Motion by Commissioner Gardner to Approve Juvenile Court Public Defender a Contract between Travis R. Marker and Washington County, effective February 16, 2011, with a term to expire December 31, 2011. Motion seconded by Commissioner Eardley and carried by unanimous vote, with Commissioners Drake, Eardley, and Gardner voting aye.

Request a Closed Session

None.

There being nothing further to come before the Commission, the meeting was adjourned at 4:52 p.m.

CHRISTINE S. HALL
DEPUTY CLERK

DENNIS DRAKE
CHAIRMAN